

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

Mario Anton Lee,

Petitioner,

vs.

Warden Joseph,

Respondent.

Civil Action No. 5:23-3423-CMC

**ORDER**

This matter is before the court on Petitioner's *pro se* motion pursuant to Rule 60(b)(1) for mistake. ECF No. 47. Petitioner asserts this court's transfer of his case to the Northern District of Alabama was a mistake. He contends a motion pursuant to 28 U.S.C. § 2255 is ineffective to test the legality of his detention, and the savings clause applies.

Petitioner filed a petition in this court pursuant to 28 U.S.C. § 2241. ECF No. 1. He is incarcerated at FCI Bennettsville, in South Carolina. Respondent filed a motion to dismiss or for summary judgment (ECF No. 19), and Petitioner responded, clarifying he sought relief that should be considered pursuant to § 2255 (ECF No. 22). Before that motion was adjudicated by this court, Petitioner moved to transfer his case. ECF No. 26. Respondent conceded transfer to the Northern District of Alabama may be appropriate. ECF No. 28. The Magistrate Judge entered a Report and Recommendation recommending the court grant Petitioner's motion to transfer. ECF No. 40. No objections were filed, and the court granted Petitioner's motion and transferred the case. ECF No. 42.

Petitioner now seeks to undo the effect of his motion to transfer, asserting the court made a mistake in transferring the case. His case remains pending in the Northern District of Alabama. See Case No. 2:24-cv-01109-MHH-HNJ. Petitioner does not give any reason why his case must

proceed here in contravention of the court's previous order. Accordingly, the court denies Petitioner's Rule 60(b)(1) motion.

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
November 12, 2024